

Senate File 2131

S-5080

1 Amend Senate File 2131 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 96.2, Code 2022, is amended to read as
5 follows:

6 **96.2 Guide for interpretation.**

7 As a guide to the interpretation and application of this
8 chapter, the public policy of this state is declared to be as
9 follows: Economic insecurity due to unemployment ~~is a serious~~
10 ~~menace to~~ negatively impacts the health, morals, and welfare
11 of the people of ~~this state~~ Iowa. ~~Involuntary unemployment~~
12 ~~is therefore a subject of general interest and concern which~~
13 ~~requires appropriate action by the legislature to prevent~~
14 ~~its spread and to lighten its burden which now so often~~
15 ~~falls with crushing force upon the unemployed worker and the~~
16 ~~worker's family. The achievement of social security requires~~
17 ~~protection against this greatest hazard of our economic~~
18 ~~life. This can be provided~~ These undesirable consequences can
19 be reduced by encouraging employers to provide more stable
20 employment and by the systematic accumulation of funds during
21 periods of employment to provide benefits for periods of
22 unemployment, ~~thus maintaining purchasing power and limiting~~
23 ~~the serious social consequences of poor relief assistance.~~
24 ~~The legislature, therefore, declares that in its considered~~
25 ~~judgment the public good and the general welfare of the~~
26 ~~citizens of this state require the enactment of this measure,~~
27 ~~under the police powers of the state, for the compulsory~~
28 ~~setting aside of unemployment reserves to be used for the~~
29 ~~benefit of persons.~~ This chapter provides for payment of
30 benefits to workers unemployed through no fault of their own.
31 The policy herein is intended to encourage stabilization in
32 employment, to provide for integrated employment and training
33 services in support of state economic development programs, and
34 to provide meaningful job training and employment opportunities
35 for the unemployed, underemployed, economically disadvantaged,

1 dislocated workers, and others with substantial barriers to
2 employment. To further this public policy, the state, through
3 its department of workforce development, will maintain close
4 coordination among all federal, state, and local agencies
5 whose missions affect the employment or employability of the
6 unemployed and underemployed.

7 Sec. 2. Section 96.3, subsection 5, paragraph a, Code 2022,
8 is amended to read as follows:

9 *a. Duration of benefits.* The maximum total amount of
10 benefits payable to an eligible individual during a benefit
11 year shall not exceed the total of the wage credits accrued to
12 the individual's account during the individual's base period,
13 or ~~twenty-six~~ sixteen times the individual's weekly benefit
14 amount, whichever is the lesser. The director shall maintain
15 a separate account for each individual who earns wages in
16 insured work. The director shall compute wage credits for
17 each individual by crediting the individual's account with
18 one-third of the wages for insured work paid to the individual
19 during the individual's base period. However, the director
20 shall recompute wage credits for an individual who is laid
21 off due to the individual's employer going out of business at
22 the factory, establishment, or other premises at which the
23 individual was last employed, by crediting the individual's
24 account with one-half, instead of one-third, of the wages for
25 insured work paid to the individual during the individual's
26 base period. Benefits paid to an eligible individual shall
27 be charged against the base period wage credits in the
28 individual's account which have not been previously charged,
29 in the inverse chronological order as the wages on which the
30 wage credits are based were paid. However if the state "off"
31 indicator is in effect and if the individual is laid off due to
32 the individual's employer going out of business at the factory,
33 establishment, or other premises at which the individual was
34 last employed, the maximum benefits payable shall be extended
35 to ~~thirty-nine~~ twenty-six times the individual's weekly benefit

1 amount, but not to exceed the total of the wage credits accrued
2 to the individual's account.

3 Sec. 3. Section 96.3, subsection 7, paragraph b,
4 subparagraph (1), subparagraph division (a), Code 2022, is
5 amended to read as follows:

6 (a) If the department determines that an overpayment
7 has been made, the charge for the overpayment against the
8 employer's account shall be removed and the account shall
9 be credited with an amount equal to the overpayment from
10 the unemployment compensation trust fund and this credit
11 shall include both contributory and reimbursable employers,
12 notwithstanding [section 96.8, subsection 5](#). The employer shall
13 not be relieved of charges if benefits are paid because the
14 employer or an agent of the employer failed to respond timely
15 or adequately to the department's request for information
16 relating to the payment of benefits. This prohibition
17 against relief of charges shall apply to both contributory and
18 reimbursable employers. If the department determines that an
19 employer's failure to respond timely or adequately was through
20 no fault of the employer, the employer's account shall not be
21 charged for the overpayment.

22 Sec. 4. Section 96.4, Code 2022, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 8. The individual has satisfied a single
25 one-week waiting period during the individual's benefit year.
26 To satisfy the one-week waiting period, the individual, with
27 respect to the week in question, must otherwise be eligible
28 for benefits from this state, must not have received or have
29 payable benefits from this state, and must not be eligible for
30 benefits from another state.

31 Sec. 5. Section 96.5, subsection 2, Code 2022, is amended by
32 adding the following new paragraph:

33 NEW PARAGRAPH. *d.* For the purposes of this subsection,
34 "*misconduct*" means a deliberate act or omission by an
35 employee that constitutes a material breach of the duties

1 and obligations arising out of the employee's contract of
2 employment. Misconduct is limited to conduct evincing such
3 willful or wanton disregard of an employer's interest as
4 is found in deliberate violation or disregard of standards
5 of behavior which the employer has the right to expect of
6 employees, or in carelessness or negligence of such degree of
7 recurrence as to manifest equal culpability, wrongful intent
8 or evil design, or to show an intentional and substantial
9 disregard of the employer's interests or of the employee's
10 duties and obligations to the employer. Misconduct by an
11 individual includes but is not limited to all of the following:

12 (1) Falsification of the individual's employment
13 application.

14 (2) Knowing violation of a reasonable and uniformly
15 enforced rule of an employer.

16 (3) Intentional damage of an employer's property.

17 (4) Dishonesty to an employer with regard to the
18 individual's employment.

19 (5) Consumption of alcohol, illegal or nonprescribed
20 prescription drugs, or an impairing substance in a manner
21 not directed by the manufacturer, or a combination of such
22 substances, on the employer's premises in violation of the
23 employer's employment policies.

24 (6) Reporting to work under the influence of alcohol,
25 illegal or nonprescribed prescription drugs, or an impairing
26 substance in an off-label manner, or a combination of such
27 substances, on the employer's premises in violation of the
28 employer's employment policies, unless the individual is
29 compelled to work by the employer outside of scheduled or
30 on-call working hours.

31 (7) Conduct that endangers the personal safety of the
32 individual, coworkers, or the general public.

33 (8) Incarceration for an act for which one could reasonably
34 expect to be incarcerated that results in missing work.

35 (9) Incarceration as a result of a misdemeanor or felony

1 conviction by a court of competent jurisdiction.

2 (10) Excessive unexcused tardiness or absenteeism.

3 (11) Falsification of any work-related report, task, or job
4 that could expose the employer or coworkers to legal liability
5 or sanction for violation of health or safety laws.

6 (12) Failure to maintain any license, registration, or
7 certification that is reasonably required by the employer or
8 by law, or that is a functional requirement to perform the
9 individual's regular job duties, unless the failure is not
10 within the control of the individual.

11 (13) Conduct that is libelous or slanderous toward an
12 employer or an employee of the employer if such conduct is not
13 protected under state or federal law.

14 (14) Conduct creating or attempting to create dissention or
15 animus against the employer or a coworker if such conduct is
16 not protected under state or federal law.

17 (15) Theft of an employer or coworker's funds or property.

18 (16) Misrepresentation of time worked or work carried out
19 that results in the individual receiving unearned wages or
20 unearned benefits.

21 Sec. 6. Section 96.5, subsection 3, paragraph a,
22 subparagraph (1), subparagraph divisions (a), (b), (c), and
23 (d), Code 2022, are amended to read as follows:

24 (a) One hundred percent, if the work is offered during the
25 first ~~five weeks~~ week of unemployment.

26 (b) ~~Seventy-five~~ Ninety percent, if the work is offered
27 during the ~~sixth~~ second through the ~~twelfth~~ third week of
28 unemployment.

29 (c) ~~Seventy~~ Eighty percent, if the work is offered during
30 the ~~thirteenth~~ fourth through the ~~eighteenth~~ fifth week of
31 unemployment.

32 (d) ~~Sixty-five~~ Seventy percent, if the work is offered
33 ~~after~~ during the ~~eighteenth~~ sixth through the ~~eighth~~ week of
34 unemployment.

35 Sec. 7. Section 96.5, subsection 3, paragraph a,

1 subparagraph (1), Code 2022, is amended by adding the following
2 new subparagraph division:

3 NEW SUBPARAGRAPH DIVISION. (e) Sixty percent, if the work
4 is offered after the eighth week of unemployment.

5 Sec. 8. Section 96.6, subsection 3, paragraph b, Code 2022,
6 is amended to read as follows:

7 b. Appeals from the initial determination shall be heard
8 by an administrative law judge employed by the department.
9 An administrative law judge's decision may be appealed by
10 any party to the employment appeal board created in section
11 10A.601. ~~The decision of the appeal board is final agency~~
12 ~~action and an appeal of the decision shall be made~~ or directly
13 to the district court.

14 Sec. 9. Section 96.40, subsection 2, Code 2022, is amended
15 by adding the following new paragraph:

16 NEW PARAGRAPH. 1. The reduction in work hours for employees
17 was not based on a work week exceeding forty hours.

18 Sec. 10. Section 96.40, Code 2022, is amended by adding the
19 following new subsections:

20 NEW SUBSECTION. 4A. Approval of a shared work plan shall
21 be revoked if the employer lays off any employee, whether the
22 employee is employed within an affected unit or not, while
23 participating in the shared work unemployment compensation
24 program.

25 NEW SUBSECTION. 12. A part-time employee shall be eligible
26 for shared work unemployment compensation program benefits,
27 provided that the employee meets all other requirements in this
28 section.>

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